

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 16, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-13898 - APPLICANT/OWNER: CORY, LLC

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. A General Plan Amendment (GPA-13894) to a M (Medium Density Residential) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted
3. A Site Development Plan Review (SDR-13901) and Variance (VAR-14441) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Dedicate an additional 5 feet of right-of-way for a total radius of 20 feet on the southwest corner of Upland Boulevard and Cory Place prior to the issuance of any permits.
5. Coordinate with the City Surveyor to determine whether a Merger and Re-Subdivision Map or other map is necessary; comply with the recommendations of the City Surveyor.
6. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study

concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

This application is a request for a Rezoning from R-1 (Single Family Residential) to R-PD23 (Residential Planned Development – 23 Units per Acre) on 2.5 acres on the southwest corner of Upland Boulevard and Cory Place.

EXECUTIVE SUMMARY

The proposal represents a density that is higher than existing development in the area and does not provide the amount of open space required for the requested R-PD zoning district; therefore staff recommends denial of the application.

BACKGROUND INFORMATION

A) Related Actions

- 08/04/93 The City Council struck from the agenda a Rezoning from R-1 to R-3 on the subject site (Z-0036-93) on a portion of the subject site. The Planning Commission recommended denial. Staff recommended approval.
- 07/13/06 The Planning Commission recommended denial of companion items GPA-13894, VAR-14441 and SDR-13901 concurrently with this application.
- 07/13/06 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #36/alj).

B) Pre-Application Meeting

- 05/12/06 Details of the proposal and necessary application were discussed at a pre-application meeting with the applicant.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held. However, the applicant held a neighborhood meeting for the related General Plan Amendment (GPA-13894) on June 15, 2006. Twelve persons attended and had the following comments:

- Project site is too small for 56 units
- Traffic using Cory Place
- General Plan should remain L (Low Density Residential)
- Not enough open space
- Not enough parking for site
- Site should be developed as single family homes

Site should be for sale and not rent

DETAILS OF APPLICATION REQUEST

A) Site Area

Site Area: 2.5 Gross Acres

B) Existing Land Use

| | |
|------------------|-------------------------|
| Subject Property | Vacant |
| North | Church |
| South | Retail Buildings |
| East | Single Family Dwellings |
| West | Multi-family Dwellings |

C) Planned Land Use

| | |
|------------------|--------------------------------|
| Subject Property | L (Low Density Residential) |
| North | L (Low Density Residential) |
| South | SC (Service Commercial) |
| East | L (Low Density Residential) |
| West | M (Medium Density Residential) |

D) Existing Zoning

| | |
|------------------|---|
| Subject Property | R-1 (Single Family Residential) |
| North | R-1 (Single Family Residential) |
| South | C-1 (Limited Commercial) |
| East | R-1 (Single Family Residential) |
| West | R-PD14 (Residential Planned Development – 14 Units Per Acre) under Resolution of Intent to R-PD15 (Residential Planned Development – 15 Units Per Acre) |

E) General Plan Compliance

The L (Low Density Residential) category of the Southeast Sector Plan permits single-family detached homes, manufactured homes on individual lots, gardening, residential planned developments, and planned community developments. Local supporting uses such as parks, other recreational facilities, schools and churches are allowed in this category. A companion application seeks to amend the general plan category to the M (Medium Density Residential) category.

| <i>SPECIAL DISTRICTS/ZONES</i> | Yes | No |
|---|------------|-----------|
| Special Area Plan | | X |
| Special Overlay District | | X |
| Trails | | X |
| Rural Preservation Overlay District | | X |
| County/North Las Vegas/HOA Notification | | X |
| Development Impact Notification Assessment | | X |
| Project of Regional Significance | | X |

F) Density

| <i>EXISTING ZONING</i> | <i>PERMITTED DENSITY</i> | <i>PROPOSED ZONING</i> | <i>PERMITTED DENSITY</i> | <i>EXISTING GENERAL PLAN</i> | <i>PERMITTED DENSITY</i> |
|-------------------------------|---|-------------------------------|---------------------------------|-------------------------------------|---|
| R-1 | 5.49 du/ac 13.7 max. units for site | R-PD23 | 23.49 du/ac | L | 5.49 du/ac 63 max. units for site |

The proposed rezoning district would allow a substantial increase in density from the current 5.49 dwelling units per acre to 23.49 dwelling units per acre. The applicant has also submitted a General Plan Amendment to change the current land use designation from L (Low Density Residential) to M (Medium Density Residential) to correspond to the proposed rezoning.

INTERAGENCY ISSUES

No interagency issues exist.

ANALYSIS

A) Zoning Code Compliance

Development standards for a R-PD (Residential Planned Development) are determined during the site development plan review process. The Planning Commission and City Council will establish development standards through the consideration of the Site Development Plan Review (SDR-13901), a related item

- R-PD ONLY

Pursuant to Title 19.06, the following Open Space Standards apply to the subject proposal:

| Total Acreage | Density | Ratio | Required | | Provided | |
|------------------|---------|-------|----------|-----------|----------|--------|
| | | | Percent | Area | Percent | Area |
| 2.5 acres | 22.4 | 1.65 | 36.8 % | 40,250 SF | 30.7% | 32,767 |

The proposal does not meet the open space requirements of a R-PD development. A companion Variance (VAR-14441) application has been submitted to allow for a reduction in open space.

B) General Analysis and Discussion

The purpose of this application is to obtain the zoning district that would allow for the development of a 56-unit apartment complex. The design of the apartment complex is the subject of the related Site Development Plan Review (SDR-13901) application. The proposed density of 22.4 units per acre is significantly higher than existing development in the area. An apartment development to the west of the subject site is developed at approximately 15 units per acre. Zoning districts to the north and east of the site are R-1 (Single Family Residences) and are developed with lots that average around 6,500 square feet. Limited Commercial uses exist to the south of the site, however, like the existing apartment complex; they are designed to direct vehicular access to Charleston Boulevard instead of the existing neighborhood.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **“The proposal conforms to the General Plan.”**

The project as proposed is inconsistent with the General Plan designation of L (Low Density Residential) unless the companion General Plan Amendment to change the land use designation to M (Medium Density Residential) is approved.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

Rezoning the subject site to R-PD23 (Residential Planned Development – 23 Units per Acre) would allow uses that are not compatible with the existing residential development immediately to the north and east.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

The proximity of this parcel to existing single-family residential development indicates that the proposed Rezoning to R-PD23 (Residential Planned Development – 23 Units per Acre) zone is not appropriate for the area.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The R-PD23 zoning district would allow a multi-family development with a higher density than what currently exists in the area. This could adversely impact adjacent 60-foot local streets.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 204 by Planning Department

APPROVALS 0

PROTESTS 224